

Sir: Your Committee on Educational Affairs to whom was referred Senate Bill No. 400, have had the same under consideration and I am directed to report it favorably with the recommendation that it do pass, and be not printed.

ALDERDICE, Chairman.

(Floor Report)

Senate Chamber,  
Austin, Texas, March 14, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred

H. B. No. 630, A bill to be entitled "An Act to amend Article 7235, Chapter 6, Title 124, Revised Civil Statutes of Texas, 1911, as amended by Chapter 72, General Laws of the Thirty-third Legislature, and Chapters 26 and 99, General Laws of the Thirty-fourth Legislature, and Chapter 131, General Laws of the Thirty-fifth Legislature, and Chapter 10 of the Third Called Session of the Thirty-fifth Legislature, and Chapter 13, of the Fourth Called Session of the Thirty-fifth Legislature, and H. B. No. 200, Acts of the Regular Session of the Thirty-sixth Legislature, with reference to the mode of preventing horses and certain other animals, from running at large in the counties named, so as to include Armstrong, Dickens, Presidio, Terrell and Throckmorton counties, and declaring an emergency."

Have had the same under consideration and beg leave to report the same back to the Senate with the recommendation that it do pass and be not printed.

Clark, Chairman; Buchanan of Scurry, Parr, Dorrough, Bell.

(Floor Report.)

Senate Chamber,  
Austin, Texas, March 14, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 140, A bill to be entitled "An Act providing that all women teaching in the State of Texas shall be paid the same compensation as is paid to men for doing the same kind, grade or quantity of service as per-

formed by the men. All women performing public service for the State of Texas shall be paid the same compensation as are paid to men for performing the same kind, grade and quantity of service."

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass and be not printed.

Alderdice, Chairman; Gibson, Dayton, Dean, Williford, Witt, Cousins, Westbrook.

#### FORTY-FIFTH DAY.

Senate Chamber,  
Austin, Texas,  
March 15, 1919.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor W. A. Johnson.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Gibson.
Bailey.	Hertzberg.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	McNealus.
Caldwell.	Page.
Carlock.	Smith.
Clark.	Strickland.
Cousins.	Suiter.
Dayton.	Westbrook.
Dean.	Williford.
Dorough.	Witt.
Faust.	Woods.
Floyd.	

Absent.

Bell.	Parr.
Johnston.	Rector.

Absent—Excused.

Dudley.	Hall.
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Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Dorrough.

Excused.

Senator Hall was excused temporarily on account of important business and Senator Dudley indefinitely on motion of Senator Carlock.

**Petitions and Memorials.**

There were none today.

**Standing Committee Reports.**

See Appendix.

Morning call concluded.

**Special Committee Report.**

Committee Room,  
Austin, Texas, February 11, 1919.  
Hon. W. A. Johnson, President of  
the Senate.

Sir: We, the Special Committee appointed by the Senate, on Monday, February 3rd, 1919, by Resolution duly passed on that date, and recorded in the Senate Journal, page 223, to investigate and report to the Senate the value of the north half of block 124 of the City of Austin, which, under Senate Bill 122 is proposed to be sold to the First Methodist Church of Austin, for Church purposes only, for a consideration of Twenty-Five Thousand (\$25,000.00) Dollars, beg leave to report that we have carefully investigated the value of said property, and have had to come before us and give their opinion with respect to the value of said property, Mr. E. P. Wilmot, president of the Austin National Bank, and Mr. Alfred Smith, of the firm of Smith and Wilcox, both of whom are prominent business men and citizens of Austin, and well acquainted with the value of this property, and after hearing their statements, the Committee were satisfied to accept their estimate as to the value of said property, and herewith submit the following report, based thereon:

1. Said lot has a frontage of 126½ feet on Congress, extending clear through the lot to Colorado Street, a distance of, to-wit: 326 feet, and is surrounded on the East by Congress, on the north by Eleventh Street, and on the West by Colorado, and on the south by a paved alley of — feet, and is situated immediately south of the capitol grounds.

2. We report, as a conservative valuation of this property, the sum

of Eighty-five Thousand (\$85,000.00) Dollars, for commercial purposes.

3. We further find that no church in the City of Austin is financially able to pay more than Twenty-five Thousand (\$25,000.00) Dollars for this property, or any other property in Austin, as a site for the location of a building for church purposes, and that if sold for church purposes only, that sum is all said property could be sold for.

Respectfully submitted,  
CARLOCK, Chairman.

**Executive Session.—Time Set.**

By unanimous consent, Senator Caldwell moved that the Senate go into executive session at 11 o'clock a. m. today for consideration of the Highway Commission appointments. The motion prevailed.

**House Bill No. 457.**

The Chair laid before the Senate on second reading:

H. B. No. 457, A bill to be entitled "An Act to preserve, propagate and protect the wild game, wild birds, wild fowl of this State, to provide adequate penalties for the unlawful taking, slaughter, sale, purchase, or shipment thereof; to provide for the appointment of deputy game commissioners, and fixing their salaries; to define the duties and powers of the Game, Fish and Oyster Commissioner and his deputies; to fix the venue of prosecution under this Act; to provide for the issuance of hunting licenses and prescribing penalties for hunting without a license; to declare that certain moneys shall belong to the special game fund of this State, and the disposition to be made of said moneys, and to repeal all laws in conflict herewith, and declaring an emergency."

Senator Bailey offered the following amendments which were read and adopted:

(1) Amend House Bill 457, page 12, Section 30, line 5, by adding the following sections and numbering the other sections consecutively:

Sec. 31. It shall further be unlawful for any person at any time of the

year to hunt deer or other game mentioned in this Act by the aid of what is commonly known as Hunting Lamps, or Lanterns or any other light used for the purpose of hunting at night and any person violating any provision of this Article shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than fifty (\$50.00) dollars nor more than two hundred (\$200.00) dollars, or by imprisonment of not less than thirty nor more than ninety days or both by fine and imprisonment.

Sec. 32. It shall further be unlawful for any person, at any time of the year, within this State to use a deer call, whistle, decoy, call pipe, reed, or other device, mechanical or natural, for the purpose of calling or attracting the attention of any deer except by rattling of deer horns and any person hunting deer by such means or attempting to use any such means in hunting deer, as herein provided, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than one hundred (\$100.00) dollars nor more than five hundred (\$500.00) dollars or by imprisonment of not less than twenty nor more than ninety days, or both by said fine and imprisonment and each and every unlawful act shall constitute a separate offense.

(2) Amend House Bill 457, page 16, Section 43, by substituting the following:

Section 43. It shall be unlawful for any person to hunt with a gun, capable of destroying life, any animal or bird designated or mentioned in this Act as a Game Bird or Game Animal and for which protection is provided in this Act, beyond or outside the limits of land owned by such person or occupied by such person as tenant, without first having procured from the Game, Fish and Oyster Commissioner, or his deputies or from the County Clerk of the County in which he resides a license to hunt and for which he shall pay to the officer from whom he secured such license the sum of two (\$2.00) dollars; fifteen cents of which sum shall be retained by said officer as his fee for collecting. Any person hunting any birds or animals protected by the laws of this State without a license as herein provided, or who shall re-

fuse to show such license herein provided for to any Sheriff, Deputy Sheriff, Constable, Game Commissioner or Deputy Game Commissioner on demand shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than ten (\$10.00) dollars nor more than one hundred (\$100.00) dollars.

Senator Caldwell offered the following which was read and adopted:

(3) Amend H. B. 457 by inserting page 3, line 29, printed bill after the word "year" the following:

"Except during the open season as provided for in this Act."

Senator Caldwell offered the following:

Amend H. B. 457, page 13, line 13, strike out "August" and insert in lieu thereof "June."

Also line 14 strike out "January" and insert "May."

Senator Bailey moved to table the amendment and this motion prevailed by the following vote:

Yeas—13.

Alderdice.	Gibson.
Bailey.	Hertzberg.
Buchanan of Bell.	Hopkins.
Carlock.	McNealus.
Clark.	Page.
Dayton.	Witt.
Faust.	

Nays—12.

Buchanan of Scurry.	Smith.
Caldwell.	Strickland.
Cousins.	Sulter.
Dean.	Westbrook.
Dorough.	Williford.
Floyd.	Woods.

Absent.

Bell.	Parr.
Johnston.	Rector.

Absent—Excused.

Dudley.	Hall.
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Senator Dean moved to reconsider the vote by which amendment No. 2 was adopted.

Senator Dayton moved to table the motion to reconsider.

The motion to table prevailed.

Senator Floyd offered the following amendment:

(4) Amend H. B. 457, strike out

all of Section 34 of the bill and re-number the following Section to correspond.

Senator Bailey moved to table the amendment, and this motion was lost by the following vote:

**Yeas—12.**

Bailey.	Faust.
Bell.	Gibson.
Caldwell.	Hertzberg.
Carlock.	Hopkins.
Clark.	McNealus.
Dayton.	Page.

**Nays—14.**

Alderdice.	Smith.
Buchanan of Bell.	Strickland.
Buchanan of Scurry.	Suiter.
Cousins.	Westbrook.
Dean.	Williford.
Dorough.	Witt.
Floyd.	Woods.

**Absent.**

Johnston.	Rector.
Parr.	

**Absent—Excused.**

Dudley.	Hall.
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The amendment was then adopted.

Senator Page offered the following amendments, which were read and adopted:

(5) Amend H. B. 457, line 9, page 3, by striking out the word "September."

(6) Amend H. B. 457, line 11, page 3, by striking out the words, "twenty five" and insert in lieu thereof the words "fifteen."

The bill was read second time and passed to its third reading.

On motion of Senator Bailey, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 457 put on its third reading and final passage by the following vote:

**Yeas—25.**

Alderdice.	Carlock.
Bailey.	Clark.
Bell.	Cousins.
Buchanan of Bell.	Dayton.
Buchanan of Scurry.	Dorough.
Caldwell.	Faust.

Floyd.	Strickland.
Gibson.	Suiter.
Hertzberg.	Westbrook.
Hopkins.	Williford.
McNealus.	Witt.
Page.	Woods.
Smith.	

**Absent.**

Dean.	Parr.
Johnston.	Rector.

**Absent—Excused.**

Dudley.	Hall.
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The bill was laid before the Senate, read third time and, on motion of Senator Bailey, was passed finally.

**Message From the House.**

Hall of the House of Representatives,  
Austin, Texas, March 15, 1919.

Lieutenant-Governor W. A. Johnson,  
President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has granted the request of the Senate for the return of H. B. 278, and has concurred in Senate amendments to H. J. R. 35, and has passed.

H. B. No. 614, A bill to be entitled "An Act to validate all sales of public free school lands, made the third day of March, A. D. 1896, under the provisions of Chapter 48 of the Acts of the Twenty-fourth Legislature, where all the requirements of sale under said act have been met by the purchasers of said lands, save and except the requirements of settlement, and declaring an emergency."

Has concurred in Senate amendment to H. B. 87.

Respectfully submitted,

T. B. REESE,

Chief Clerk, House of Representatives.

**House Bill No. 278—Vote Rescinded.**

Senator Witt moved to rescind the vote by which House Bill No. 278 was passed finally.

The motion prevailed by unanimous vote.

**Messages From the House.**

Hall of the House of Representatives,  
Austin, Texas, March 15, 1919.

Lieutenant-Governor W. A. Johnson,  
President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 103, A bill to be entitled "An Act to amend Section 2 of House Bill No. 25, passed by the Thirty-third Legislature at the Regular Session, 1913, and approved April 7, 1913, relating to prorating the appropriation for Confederate pensions among the pensioners."

H. B. No. 511, A bill to be entitled "An Act providing that the commissioners court in any county in this State may provide and furnish a rest-room for women and may assist in paying for the services of a matron for such rest-room; providing for the appointment of such matron by the county judge; providing that counties having a population of less than 25,000 shall not expend more than \$125 in furnishing rest-room, nor more than \$15 per month for the maintenance, and that counties having a population of more than 25,000 and less than 50,000 may expend not to exceed \$200 in furnishing such rest-room and not more than \$25 per month for its maintenance, and that counties having a population of more than 50,000 may expend not to exceed \$400 in furnishing a rest-room and may expend not to exceed \$50 for its maintenance, and declaring an emergency."

H. B. No. 637, A bill to be entitled "An Act creating the Speegleville Independent School District in McLennan county, Texas; defining its boundaries; providing for a board of trustees in said district; conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the general laws of the State upon independent school districts and the board of trustees thereof; providing for the election of trustees, for the raising of revenue, issuing of bonds, building and maintaining school houses, maintaining public free schools; providing for an election in said district to issue bonds to take up any bonded indebtedness now outstanding against any of the territory included by this Act, validating same; and declaring an emergency."

And the House has adopted House Concurrent Resolution No. 30, recommending to the National Executive and Congress the incorporation in

the Army of the principle of promotion from the ranks.

Respectfully submitted,

T. B. REESE,

Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, March 15, 1919.  
Lieutenant-Governor W. A. Johnson,  
President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 624, A bill to be entitled "An Act to repeal Chapter 24, General Laws First Called Session of the Thirty-fifth Legislature, which chapter provides for the establishment and support of a State Home for Lepers, and making appropriation therefor."

H. B. No. 625, A bill to be entitled "An Act to provide for the isolation and care of persons suffering with leprosy, and making an appropriation therefor."

H. B. No. 636, A bill to be entitled "An Act to create a more efficient road law for Mason county, Texas."

H. B. No. 639, A bill to be entitled "An Act creating an independent school district to be known as Groom Independent School District and to provide for the creation of a board of trustees thereof, and authorizing the board of trustees to levy, assess, and collect special taxes, and to pay current expenses for the maintenance and support of said schools, and providing that the present board of trustees of the Common School District No. 10 of Carson County shall have full control and management of said independent school district until next regular trustees' election, and providing a method for filling vacancies occurring in said board; providing for a board of equalization and prescribing the duty and authority of said board of trustees and repealing all laws in conflict herewith, and declaring an emergency."

House requests the return of H. B. 278 for further consideration.

Respectfully submitted,

T. B. REESE,

Chief Clerk, House of Representatives.

#### Bills Read and Referred.

The Chair, Lieutenant Governor Johnson, had referred, after their captions had been read, the following House bills:

H. B. No. 103, referred to the Committee on State Affairs.

H. B. No. 511, referred to the Committee on Counties and County Boundaries.

H. B. No. 637, referred to the Committee on Educational Affairs.

H. B. No. 614, referred to the Committee on Public Land and Land Office.

H. B. No. 639, referred to the Committee on Educational Affairs.

H. B. No. 636, referred to the Committee on Roads, Bridges and Ferries.

H. B. No. 624, referred to the Committee on Public Health.

H. B. No. 625, referred to the Committee on Public Health.

H. C. R. No. 30, referred to the Committee on Military Affairs.

#### House Bill No. 278—Returned to House.

Senator Witt moved that the request of the House for the return of H. B. No. 278 for further consideration be granted.

The motion prevailed.

#### Senate Bill No. 147—Conference Committee Report.

Committee Room,

Austin, Texas, March 15, 1919.

Hon. W. A. Johnson, President of the Senate;

Hon. R. E. Thomason, Speaker of the House.

Sirs: We, your free conference committee on Senate Bill No. 147, have had said bill, together with the House amendments thereto, under consideration, and we recommend that the House amendments to said bill be concurred in and adopted, with the following amendments, to-wit:

(1) Amend paragraph 1, Section 1, by adding before the words "of the Senate" in line 7 of said paragraph, the following, "and consent."

(2) Amend the bill by changing the period after the word "Secretary of State" at the end of paragraph 1, Section 2, and adding the following:

"Provided that the Governor shall not remove a member of said Board without first giving him a hearing, and in case of removal after such hearing the evidence adduced upon

the hearing shall be filed along with the Governor's reasons with the Secretary of State. Provided further, that should any future Legislature repeal this Act or abolish the Board of Control created hereby, the terms of office of the members of said Board shall thereupon terminate."

(3) Amend the bill by striking out "three" in line 5 of paragraph 4 of Section 6 and insert in lieu thereof "two."

Amend Section 6 in paragraph 5, line 5, by striking out the words "affairs and conditions" and insert in lieu thereof the words "property, financial conditions and methods of doing business."

In the 7th line of the same paragraph strike out "three" and insert "two."

Amend Section 6 by striking out the word "three" in the next to last line of paragraph 5 and inserting the word "two."

Amend Section 6, paragraph 5, in the third line from the last, between the word "auditor" and "when," insert "upon its condition."

Amend Section 6 by striking out all of line 6 of paragraph 6 and inserting in lieu thereof the words "and shall have power to administer oaths."

Amend Section 6, paragraph 6, in the tenth line and the eleventh line, by striking out the words and figures "ten thousand (\$10,000.00)" and inserting in lieu thereof the words and figures "five thousand (\$5000)".

Amend Section 7 by striking out all of paragraph 1 and inserting in lieu thereof the following:

"The office of Superintendent of Public Buildings and Grounds is hereby abolished and the authority conferred upon the Superintendent of Public Buildings and Grounds by the provisions of Chapter 1, Title 113, Revised Civil Statutes, 1911, or by any other law, is hereby conferred upon the said Board of Control, and the laws heretofore administered through the office hereby abolished shall be administered by the said Board of Control."

Amend Section 7 by striking out all of paragraphs 2, 3, 4 and 5.

Amend Section 8 by striking out all of paragraph 1.

Amend Section 9 by striking out all of paragraph 1 thereof and inserting in lieu thereof the following:

"The Board of Managers for each

and all of the lunatic asylums of this State, the State School for the Blind, the Deaf and Dumb Institute, the Deaf and Dumb and Blind Institute for Colored Youths, the State Farm Colony for the Feeble Minded, the Board of Trustees or Managers for the Confederate Home, the State Epileptic Colony, the Confederate Woman's Home, the Home for Lepers, the State Tuberculosis Sanatorium, the State Orphans' Home, and the Governing Boards, Trustees or Managers of the State Juvenile Training School and the Girls' Training School, shall each and all perform the duties now required of them respectively by law, but subject to the supervision and direction of the Board of Control."

Amend Section 9 by striking out all of paragraph 2.

Amend by striking out all of Section 10.

Amend by striking out all of Section 11.

Amend by striking out all of Section 12 and inserting in lieu thereof the following:

"Section 12. Wherever in this Act certain qualifications are prescribed for an office under the Board of Control, or an employe of the Board of Control, and certain years of experience are required, the appointment or employment by the Board of Control of an officer or employe lacking the qualifications or experience herein required therefor shall constitute good cause for removal of the Board of Control by the Governor."

Amend by re-numbering the sections remaining, so that they will be numbered consecutively.

Amend the caption so that it will read as follows:

"A bill to be entitled 'An Act to create a State Board, to be known as the State Board of Control, providing that the Board shall be composed of three citizens of the State, providing the method of their appointment, fixing their qualifications, terms of office and compensation; defining their duties and conferring authority on the Board; prescribing the manner in which the Board may administer its duties; fixing the status and prescribing the qualifications of certain officers and employes to be appointed by the Board; abolishing certain offices and consolidating various departments of the Government and placing the administration thereof under the State Board

of Control; providing that the Boards of the State lunatic asylums and other asylums and institutions of the State shall discharge the duties as now prescribed by law, but under the supervision and direction of the Board of Control; making it the duty of the Board to audit all departments and institutions of the State Government and prescribing regulations relative thereto; making it the duty of the Board to prepare and publish before the meeting of each session of the Legislature an estimate of the appropriations of the State Government and its institutions, and prescribing certain duties for the heads of the departments and institutions and the Prison System relative to the budget of appropriations; making appropriations heretofore made available for expenditure by the State Board of Control; prescribing where and in what courts suits may be brought against the Board, creating and defining offenses for violations of certain provisions of the Act, prescribing the venue for prosecutions and the punishments therefor; and declaring an emergency.'"

WESTBROOK,  
DEAN,  
WITT,  
ALDERDICE,  
BUCHANAN of Bell,

On the part of the Senate.

McMILLIN,  
FLY,  
WILLIAMS of McLennan,  
HORTON,  
SACKETT,

On the part of the House.

Senator Westbrook moved the adoption of the report.

As a substitute, Senator Caldwell moved that further action on the report be deferred until next Monday and be printed in the Journal with House amendments.

The substitute motion prevailed by the following vote:

Yeas—13.

Bailey.  
Bell.  
Caldwell.  
Carlock.  
Dayton.  
Faust.  
Gibson.

Hertzberg.  
Hopkins.  
Page.  
Rector.  
Williford.  
Woods.

## Nays—11.

Alderdice. Floyd.  
 Buchanan of Bell. Strickland.  
 Buchanan of Scurry. Suiter.  
 Clark. Westbrook.  
 Cousins. Witt.  
 Dorough.

## Present—Not Voting.

McNealus.

## Absent.

Johnston. Smith.

## Absent—Excused.

Dudley. Hall.

## Pair Recorded.

Senator Dean (present), who would vote nay; Senator Parr (absent), who would vote aye.

### House Amendments to Senate Bill No. 147.

The House Amendments to Senate Bill No. 147 are as follows:

Amend Senate Bill No. 147 by striking out all after the enacting clause and insert the following:

Section 1. There is hereby created a department of the State government to be known as the State Board of Control, which shall consist of three citizens of the State, to be appointed by the Governor, by and with the advice of the Senate. Said Board of Control shall have a seal, similar to that of the Secretary of State, except the same shall have, on the margin thereof, the words: "Office of the State Board of Control."

The members of this board shall be public officers, shall be required to take the oath of office, and each shall give bond in the sum of fifty thousand dollars, payable to the Governor of the State and his successors in office, for the use and benefit of the State of Texas, conditioned for the faithful performance of their duties, as defined in this Act, and to be given in the form drawn and prescribed by the Attorney General; the bond to be approved by the Governor and filed in the office of the Secretary of State.

Sec. 2. The term of office of each member of the Board of Con-

trol shall be six years, except the members of the first board appointed hereunder, whose term shall be two, four and six years, respectively, and they shall decide by lot among themselves who is to have the two-year term, who the four-year and who the six-year term; but after the expiration of the term of office of any member of the first board appointed hereunder, his successor shall hold for a term of six years; provided, that any member of said board may at any time be dismissed by the Governor for good cause, the reasons for such dismissal to be specified and filed with the Secretary of State.

The salaries of the members of the board shall be five thousand dollars per annum, payable monthly as other State officers are paid.

Sec. 3. The general duties of the Board of Control will be to administer the laws relating to the various departments, boards, institutions and public offices of the government hereinafter named, and to perform the additional duties and exercise the additional functions provided for in this Act.

In order to facilitate the performance of their duties, the board will be authorized to combine under it the following subdivisions of its work, to-wit:

- (a) Division of Public Printing.
- (b) Division of Purchasing.
- (c) Division of Auditing.
- (d) Division of Design, Construction and Maintenance.
- (e) Division of Estimates and Appropriations.
- (f) Division of Eleemosynary Institutions.

(g) And such other divisions of its work as the board may find necessary in the administration of the department here created.

Sec. 4. The Board of Public Printing, provided for in Revised Statutes, Article 6338, and the State Expert Printer, provided for in Article 6341, Revised Statutes, are hereby abolished and all laws relating to the public printing, contained in Title 110, Revised Civil Statutes of this State (1911) are hereby placed under the administration of the State Board of Control, and all the authority there conferred upon the Board of Printing of the State and State Expert Printer, in so far as is not in conflict with this



Act, is hereby conferred upon the State board of Control.

The board in its administration of this division of its labors, shall, when it employs a chief in its Division of Public Printing, employ, for such position, an expert printer, who has had not less than five years' experience in a commercial printing office.

Sec. 5. The office of State Purchasing Agent is hereby abolished and all the laws relating to such office and conferring authority upon him, including Chapters 1 and 2 of Title 125, Revised Civil Statutes of this State (1911), are hereby made to apply to the State Board of Control, and the same shall be carried out and executed by the State Board of Control, in the same manner as they were formerly executed and carried out by the State Purchasing Agent.

In the administration of this division of its work, the State Board of Control shall have authority to appoint a chief in its Division of Purchasing; provided, however, that the person selected for such position shall have had not less than five years' experience immediately preceding his appointment as a purchaser for a department store or a wholesale establishment of recognized standard and successful experience, and no other person shall be eligible for such position, or be paid by the accounting officers of the State, in the event he should be placed in such position.

In addition to the duties now provided by statute for the State Purchasing Agent, which duties are made the duties of the board created by this act; it shall also be the duty of said board to purchase all the supplies used by all the departments of the State government and all the Normal Schools of the State, University of Texas, and the Agricultural and Mechanical College of Texas, and all other State schools heretofore or hereafter created, such purchase of supplies to include furniture and fixtures and to include all things except perishable goods, technical instruments and books.

These supplies shall be purchased by competitive bids, in the same manner as supplies are purchased by the Purchasing Agent for other institutions under the present statutes.

It is further provided, however, that

in the purchase of supplies, furniture and fixtures, herein provided for and in the making of all purchases provided for by existing laws, which existing law is to be administered by the department created, the bidder therefor shall be required to file with their respective bids an affidavit that neither the affiant nor the firm, corporation, partnership or institution represented by him or her or any one for him, it or them, has within the past twelve months, violated any of the laws of this State relating to trusts or monopolies, which affidavit shall be prepared in form by the Attorney General, and shall embrace the various elements of the statutes of this State, forbidding trusts and monopolies; and, in addition, such affidavits shall show that neither the affiant nor his firm, corporation or partnership represented by him and making the bid has communicated, directly or indirectly, the bid made by such person, firm, corporation or partnership so bidding to any competitor bidding on said contract or engaged in the same line of business.

Any person making a false statement in any such affidavit shall be deemed guilty of a felony and shall be punished as now prescribed for that offense; provided, however, that in addition to any other county having venue of such offense Travis county shall also have venue of the same, and such person, regardless of where the offense was committed, may be indicted by the grand jury of Travis county and be tried in Travis county.

Sec. 6. The board shall be authorized to place a chief auditor in charge of its division of auditing, and to employ such other auditors, bookkeepers and clerical help as may be necessary in the operation of said division or in carrying out the auditing duties conferred on the Board of Control.

The chief of the division of auditing and all auditors employed therein shall be bookkeepers and auditors of not less than five years' experience as auditors and bookkeepers immediately preceding their appointment to such positions, and they shall not be paid their compensation by the accounting officer of the State unless they have the qualifications here set forth.

It shall be the duty of the Board of Control to design a uniform system of

accounting to apply, as far as possible and practicable, to every department, institution and school of this State, including the prison system.

It shall also be the duty of the board to audit or cause to be audited the accounts and books of every department, institution and school of this State, including the prison system, at least three times each year, and at such other times as may be practicable and necessary.

The board shall also have authority to require of the heads of each department, institution or school of this State, including the prison system, a statement of its affairs and condition, at such times as may be designated by the board, to be not less than three times each year. Such statement shall show the actual conditions of affairs of such department, institution, school or prison system, included in which must be shown its assets, liabilities and expenditures since the last report and shall be of such form as may be prescribed for the particular department, institution, school or person. Each department, institution, school or prison system shall be furnished a copy of the report of the auditor, when such report is made upon the regular audits three times each year, as herein provided for.

It is further provided, however, that all auditors appointed by the Board of Control to audit departments, institutions and schools of the State and the prison system, shall be public officers with the constitutional tenure of office, be removable at the will of the Board of Control; they shall be required to take the constitutional oath of office and shall each give bond in the sum of ten thousand (\$10,000.00) dollars, payable to the Governor or his successors in office, for the use and benefit of the State of Texas, and for the use and benefit of any person injured or aggrieved by their action; which bond shall be approved by the Board of Control, and shall be filed in its office as a part of the records thereof.

Sec. 7. The office of Superintendent of Public Buildings and Grounds, and the office of State Inspector of Masonry, Public Buildings and Works, are hereby abolished, and the authority conferred upon the Superintendent of Public Buildings and Grounds, by the provisions of Chapter 1, Title 113, Revised Civil Statutes (1911), and all

the authority conferred by law upon the State Inspector of Masonry, Public Buildings and Works, is hereby conferred upon the State Board of Control, and the laws heretofore administered through the offices hereby abolished shall be administered by the State Board of Control.

In the administration of said laws and the performance of the other duties herein assigned, the board shall have authority to select a chief of its Division of Design, Construction and Maintenance; the chief of such division, when so selected, shall be an architect of not less than five years' experience, immediately preceding his selection, in the actual design, superintendency and construction of buildings. There may also be employed an expert of masonry, plumbing, electrical construction, landscape gardening and such other experts as may be necessary, but all to be under the control of the board, acting through its chief of this division, who must be an architect, as herein provided.

In addition to the duties conferred upon the Board of Control by the laws heretofore referred to, and by this act, it shall be the duty of the board, through the chief of its Division of Design, Construction and Maintenance to design all public buildings erected at the expense of the State, where designing is not otherwise provided for by law or by the appropriation bill; but in no instance shall plans be adopted or designs be adopted by the head of any department, board, institution, school or prison system of the State unless such design and plans have been approved by the Board of Control, acting as herein provided.

It shall be the duty of the Board of Control, acting through this division of its branch, to design for each of the institutions, schools of the State or prison system, appropriate parks where needed, which design shall be carried out by the head of such department, institution, school or prison system, unless otherwise provided by law.

It shall be the duty of the Board of Control, through this division to furnish any school, institution, department of the State and the prison system, at any time, an expert to design and superintend any construction for landscape gardening provided for.

It is further provided that all State parks now under control or in the custody of the Superintendent of Public Buildings and Grounds, shall be under the control and custody of the State Board of Control, and all laws relating to the same shall be executed and administered by the State Board of Control just as they have been executed and administered by the Superintendent of Public Buildings and Grounds.

Sec. 8. The Board of Control shall be authorized to select a division chief or head of this division of its work.

It shall be the duty of the head of each department, school, institution and of the prison system and of the head of any of the divisions or departments of government for which appropriations are made by the Legislature, to submit to the State Board of Control, not later than the first day of September of each year preceding the regular biennial session of the Legislature, an itemized account of all items of expenses for the preceding two years, and an estimate of the appropriations required by his department, school or institution, or by the prison system for the regular biennial appropriation made by the Legislature, which estimate shall be submitted itemized in such manner as may be practicable and as required by the Board of Control.

Upon the receipt of these estimates from the heads of the various departments and institutions and schools of the State it shall be the duty of the board to investigate and consider the same, and to give hearings to those submitting the same, and to obtain information from every available source, including the reports of its auditors and examiners, and after such hearings it shall be the duty of the Board of Control to make up an appropriation budget for the Legislature, which said budget shall be printed not later than December first of the year immediately preceding the meeting of the regular biennial session of the Legislature, at the expense of the Board of Control, and a copy thereof shall be mailed to each person who will be a member of the next session of the Legislature, to the Governor and to the heads of each department, institution, schools of the State, and to the prison commission; there shall also be delivered to the Speaker of the House and to

the President of the Senate a sufficient number of copies for the use of all the members of the House and Senate during the session of the Legislature.

In addition the board shall cause to be printed such extra copies for public distribution as they may deem necessary to be sent by it to any person who calls or writes for same. In this connection it shall be the duty of the board to mail a copy to each county judge in the State and to each incorporated bank, whether State or National, to be kept by the officers named and the banks named for public inspection.

Sec. 9. The board of managers for each and all of the asylums of this State, including the Blind Asylum, the Deaf and Dumb Asylum, the Asylum for the Deaf, Dumb and Blind for Colored Youths, the State Colony for Feeble Minded, the board of trustees or managers for the Confederate Home, the State Epileptic Colony, the Confederate Woman's Home, the Home for Lepers, and the Anti-tuberculosis Colony, and governing boards, trustees, or managers of the State Juvenile Training School and the Girls' Training School are each and all, whether especially named herein or not, abolished by this Act, and all laws and statutes providing for the creation of such boards and their appointments are repealed.

And all statutes regulating and governing the Lunatic Asylum of this State, the Blind Asylum, the Deaf and Dumb Asylum, the Orphans Asylum, the Deaf and Dumb and Blind Asylum for Colored Youths, the State Colony for Feeble Minded, Confederate Home, the Epileptic Colony, Confederate Woman's Home, the Home for Lepers, and the State Tuberculosis Sanatorium, the State Juvenile Training School, and the Girl's Training School, are made applicable to the Board of Control hereby created, and the administration of all of said statutes, relating to said institutions, including Title 10, Revised Civil Statutes of this State (1911), including Chapter 163, Acts of the Regular Session of the Thirty-third Legislature, Chapter 36, General Laws, passed by the Regular Session of the Thirty-second Legislature; Chapter 77, General Laws, passed by the Regular Session of the Thirty-second Legislature, and Chap-

ter 64, General Laws, passed by the Legislature, Session of the Thirty-third Legislature, and all other laws relating to the institutions named, whether here enumerated or not, are hereby made to relate to and govern the Board of Control hereby created, and the administration of each and all of said statutes, and the institutions and departments to which they relate, is hereby placed under the Board of Control created by this Act; and the Board of Control hereby created shall exercise all the powers and authority conferred by law to the boards of managers and trustees of the various institutions and departments named under this section.

Sec. 10. The Board of Control shall have authority to employ a chief of the Division of Eleemosynary Institutions, but the person so selected shall be an acting practicing physician and surgeon who shall have been actively engaged in the practice of his profession for not less than ten years immediately preceding his appointment to such position, and in addition to the experience required; such physician shall be one of generally recognized eminence in his profession.

Sec. 11. The Board of Control may, from time to time, create such other divisions, of its work as may be necessary, and to appoint chiefs of such divisions, but no person shall be appointed chief of any division of work who has not had at least five years' actual experience immediately preceding his appointment in the work or profession similar to that to which he is assigned by the Board of Control.

Sec. 12. Wherever in this Act certain qualifications are prescribed for an office, or any employment or appointment of the board and certain years of experience are required, the existence of such years of experience and such qualifications as a fact shall be prerequisite to such officer, appointee or employe being assigned to occupy this position, and be paid his compensation by the accounting officer of the State and the State Treasurer; and the selection of such person and the judgment of his qualifications by the Board of Control shall not alone determine the question, but that is left to be determined as a fact, like any other fact may be determined, and may be con-

tested by any taxpayer, in the district court of Travis county, by an injunction suit against the Board of Control, against the Comptroller or against the Treasurer; and the Comptroller may refuse to issue warrants to any person he finds to be disqualified in this Act, and the Treasurer may refuse to pay such warrants; provided, however, that the party claiming the right to the issuance of such warrants and the payment thereof may bring a mandamus suit against such officer in the Supreme Court as in other cases.

Sec. 13. The Board of Control shall immediately select one of its own number chairman; a quorum of the board shall be necessary in the transaction of business and two members shall always be necessary for the consideration of any question; they shall keep minutes of their proceedings, duly recorded in a book provided for that purpose. They shall have authority to employ a secretary and such other clerical help, stenographers, clerks, auditors and bookkeepers as may be necessary in the administration of their department as herein provided within the limits of the appropriations that may be made for the work of said board, which shall in no case be exceeded.

The board shall occupy appropriate rooms in the Capitol or in the new Land Office, selected by them for their offices. They shall have authority to purchase such furniture, fixtures and stationery as may be necessary in the administration of their office. In addition to the salaries and compensation herein provided for, they shall be entitled to their traveling expenses when absent from the city of Austin on official business.

Sec. 14. Mandamus suits may be brought against the board in the Supreme Court of the State, as against other public officers, but no suit shall be brought against the board of any other character except in the district court of Travis county, Texas, and no temporary injunction shall ever issue against the board, except upon notice and hearing.

Sec. 15. All appropriations heretofore made for the various departments herein consolidated and placed under the State Board of Control, shall be available for expenditure hereunder in such manner as the State Board of Control may find nec-

essary to effectuate the purpose of this Act.

Sec. 16. The importance of this legislation and the fact that there is a lack of systematic harmony in the various departments of government and State institutions, creates an emergency and an imperative public necessity which requires that the constitutional rule, which provides that bills shall be read on three several days, be suspended and said rule is hereby suspended, and this Act take effect and be in force from and after its passage, and it is so enacted.

The (committee) amendment was Strike out the caption of Senate Bill No. 147 and insert in lieu thereof the following:

"A bill to be entitled An Act to create a State board, to be known as the State Board of Control, providing that the board shall be composed of three citizens of the State, and the method of their appointment, defining the method of qualifying such officers, fixing their terms of office and compensation; defining the duties and conferring authority on the board; prescribing in what manner the board may administer its department and fixing the status of certain offices and employes to be appointed by the board in administering its affairs; abolishing certain offices and consolidating various departments of the government and placing the administration thereof under the State Board of Control; ballishing the offices and duty of the Board of Public Printing, State Expert Printer, State Purchasing Agent, Superintendent Public Buildings and Grounds, State Inspector of Masonary, Public Buildings and works, and the Board of Managers for each and all of the asylums of the State, including the Blind Asylum, the Deaf and Dumb Asylum, The Asylum for the Deaf, Dumb and Blind for Colored Youths, the State Colony for Feeble-Minded, Confederate Home, Confederate Woman's Home, State Epileptic Colony, Anti-Tuberculosis Colony, Home for Lepers, State Juvenile Training School and the Girls' Training School; and providing that all laws applicable and relating to and governing the asylums, institutions and departments named shall be administered by the State Board of Control; in addition to the duties prescribed for the board under this consolidation, additional duties re-

lating to purchase of supplies for all State institutions, schools and departments are herein prescribed; making it the duty of the board to audit all departments and institutions of the State government and prescribing regulations relative to the same; making it the duty of the board to design certain public buildings and prescribing the board's duty relative to the design, construction and maintenance of public buildings and grounds and State parks; making it the duty of the board to prepare and publish before the meeting of each session of the Legislature an estimate of appropriations for the State government and its institutions and prescribing certain duties for the heads of departments, institutions and the Prison System relative to such budget of appropriations; making appropriations heretofore made available for expenditure by the State Board of Control, and making an appropriation; prescribing where and in what courts suits may be brought, against the board; creating and defining offenses for violation of this Act, and prescribing the punishment therefor, and declaring an emergency."

Amend Senate Bill No. 147 by adding after the words "Blind Asylum" in Section 9 the words: "Lunatic Asylums."

Amend Senate Bill No. 147 by inserting after Section 15 the following section, which shall be known as Section 15a:

Section 15a. Should any section of this Act be declared unconstitutional, said decision shall not in any way affect the other sections and provisions of this law.

(1) Amend C. S. S. B. No. 147, Section 8, page 922, of the House Journal, in the 11th line, by striking out the word "first" and inserting in lieu thereof the word "fifteenth."

(2) Amend C. S. S. B., No. 147, Section 9, page 922 of the House Journal, by inserting in the 4th line, between the words "asylum" and "the" the words "State Orphan Home," and by striking out the word "asylum" in the 4th line of the second paragraph of said section where it follows the word "Orphans" and inserting in lieu thereof the word "Home."

Signed: Sentell, Miller of Dallas McMillin.

(3) Amend C. S. S. B. No. 147,

Section 6, page 921, of the House Journal, by striking out all of the first paragraph and inserting in lieu thereof the following:

"For the performance of the duties imposed upon the Board by this section of the Act, it shall be and is hereby authorized to employ auditors, bookkeepers and clerical help as hereinafter provided within the limits of the appropriations that may be made for the work of said Board, which shall in no case be exceeded; provided, however, that the Board of Control shall prepare and furnish to the next biennial session of the Legislature an itemized budget for use by the Legislature in making appropriations for said board, and that thereafter no employe shall be employed for which an appropriation has not been made by the Legislature."

(4) Amend C. S. S. B. No. 147 at the end of the first paragraph of Section 7, page 921 of the House Journal, by adding the following:

"Provided, said Board of Control shall not have the authority to locate any public buildings in the State."

#### Executive Session Postponed.

The hour heretofore set for executive session having arrived, Senator Page moved to postpone same until 11:45 o'clock today.

The motion prevailed.

#### Senate Bill No. 370.

The Chair laid before the Senate on second reading:

S. B. No. 370, A bill to be entitled "An Act creating and establishing the Stowell Independent School District in Chambers county, Texas, defining its boundaries; providing for a board of trustees to manage and control the public free schools within said district; investing the said district with the rights, powers, privileges and duties of a town or village incorporated under the General laws for free school purposes only; providing for the assumption and refunding by the Stowell Independent School District as herein defined of the bonded indebtedness of the existing Stowell Common District No. 15, of Chambers county,

Texas, and validating those obligations; repealing all laws in so far as they conflict herewith, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Carlock, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 370 put on its third reading and final passage by the following vote:

Yeas—27.

Alderdice.	Gibson.
Bailey.	Hertzberg.
Bell.	Hopkins.
Buchanan of Bell.	McNealus.
Buchanan of Scurry.	Page.
Caldwell.	Rector.
Carlock.	Smith.
Clark.	Strickland.
Cousins.	Sulter.
Dayton.	Westbrook.
Dean.	Williford.
Dorough.	Witt.
Faust.	Woods.
Floyd.	

Absent.

Johnston.	Parr.
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Absent—Excused.

Dudley.	Hall.
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The bill was laid before the Senate, read third time and, on motion of Senator Carlock, was passed by the following vote:

Yeas—27.

Alderdice.	Gibson.
Bailey.	Hertzberg.
Bell.	Hopkins.
Buchanan of Bell.	McNealus.
Buchanan of Scurry.	Page.
Caldwell.	Rector.
Carlock.	Smith.
Clark.	Strickland.
Cousins.	Sulter.
Dayton.	Westbrook.
Dean.	Williford.
Dorough.	Witt.
Faust.	Woods.
Floyd.	

Absent.

Johnston.	Parr.
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Absent—Excused.

Dudley.	Hall.
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**Senate Concurrent Resolution No. 84**

Be it resolved by the Senate, the House concurring, that the action of the President of the Senate and the Speaker of the House in signing enrolled Senate Bill 220, relating to the Kerr county road law, and Senate Bill No. 335, relating to the Leaky Independent School District, be rescinded; and that the President of the Senate and the Speaker of the House erase their names from said enrolled Senate bills; and that action of both houses in passing said bills on final passage be rescinded.

HERTZBERG.

The resolution was read and adopted.

**Simple Resolution No. 96.**

Resolved by the Senate that the State Health Department be permitted to display in the Senate Chamber a copy of one of the Spot Maps prepared by said Department, showing reportable infectious diseases in this State.

DEAN.

The resolution was read and adopted.

**Simple Resolution No. 97.**

Whereas, Billy Conn has been in the Texas Senate at each session since he was old enough to walk, and

Whereas, said Billy Conn is a fine little gentleman and a pet of the Senate of Texas; therefore, be it

Resolved, by the Senate of Texas, that Billy Conn be named as the mascot of the Senate.

DAYTON.  
DEAN.  
GIBSON.

The resolution was read and adopted.

**House Bill No. 266.**

The Chair laid before the Senate on second reading:

H. B. No. 266, A bill to be entitled "An Act to incorporate the Burlington Independent School District in the counties of Milam and Falls,

State of Texas, placing said independent school district under the general statutes governing school districts incorporated for school purposes only under the general laws of Texas; providing a board of trustees therefor, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Witt, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 266 put on its third reading and final passage by the following vote:

Yeas—26.

Alderdice.	Floyd.
Bailey.	Gibson.
Bell.	Hertzberg.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	Page.
Caldwell.	Rector.
Carlock.	Smith.
Clark.	Strickland.
Cousins.	Suiter.
Dayton.	Westbrook.
Dean.	Williford.
Dorough.	Witt.
Faust.	Woods.

Present—Not Voting.

McNealus.

Absent.

Johnston. Parr.

Absent—Excused.

Dudley. Hall.

The bill was laid before the Senate, read third time and, on motion of Senator Witt, was passed by the following vote:

Yeas—26.

Alderdice.	Gibson.
Bailey.	Hertzberg.
Bell.	Hopkins.
Buchanan of Bell.	McNealus.
Buchanan of Scurry.	Page.
Caldwell.	Rector.
Carlock.	Smith.
Clark.	Strickland.
Cousins.	Suiter.
Dayton.	Westbrook.
Dean.	Williford.
Dorough.	Witt.
Faust.	Woods.

Absent.

Floyd.                      Parr.  
Johnston.

Absent—Excused

Dudley.                      Hall.

#### House Bill No. 157.

Senator Buchanan of Scurry, called up and the Chair laid before the Senate on second reading:

H. B. No. 157, "An Act defining pipe and gas lines engaged or to engage in the transportation, sale or distribution of natural or artificial gas, etc., as public utilities, and declaring an emergency."

Senator Carlock offered the following amendments which were read and adopted:

(1) Amend H. B. No. 157 by striking out Section 8, from the bill and renumbering the other sections to correspond.

(2) Amend House Bill No. 157, Section 7, page 6, in line 30, after the word "offense" by striking out all after period in said line down to and including the word "venue" in line 5, on page 7.

Senator Strickland moved to postpone further consideration of the bill until 6 o'clock p. m. next Wednesday.

The motion prevailed.

#### House Bill No. 603.

The Chair laid before the Senate on second reading:

H. B. No. 603, A bill to be entitled "An Act creating, establishing and incorporating the Edinburg Independent School District in Hidalgo county, Texas."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Caldwell, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 603 put on its third reading and final passage by the following vote:

Yeas—27.

Alderdice.                      Buchanan of Bell.  
Bailey.                          Buchanan of Scurry.  
Bell.                              Caldwell.

Carlock.                      Hopkins.  
Clark.                          Page.  
Cousins.                      Rector.  
Dayton.                        Smith.  
Dean.                          Strickland.  
Dorough.                      Suiter.  
Faust.                          Westbrook.  
Floyd.                          Williford.  
Gibson.                        Wlitt.  
Hall.                            Woods.  
Hertzberg.

Present—Not Voting.

McNealus.

Absent.

Johnston.                      Parr.

Absent—Excused.

Dudley.

The bill was laid before the Senate, read third time and, on motion of Senator Caldwell, was passed by the following vote:

Yeas—25.

Alderdice.                      Gibson.  
Bailey.                          Hall.  
Bell.                              Hertzberg.  
Buchanan of Bell.              Hopkins.  
Buchanan of Scurry.           Page.  
Caldwell.                        Rector.  
Carlock.                        Smith.  
Clark.                            Suiter.  
Cousins.                        Westbrook.  
Dayton.                        Williford.  
Dean.                            Wlitt.  
Dorough.                        Woods.  
Faust.

Present—Not Voting.

McNealus.

Absent.

Floyd.                          Parr.  
Johnston.                      Strickland.

Absent—Excused.

Dudley.

#### House Bill No. 248.

The Chair laid before the Senate on second reading:

H. B. No. 248, A bill to be entitled "An Act to define what constitutes a public weigher, prescribing his duties and providing for rules and regulations governing the perform-



ance of his duties; providing for the appointment, by the Governor, of public weighers in certain places and providing for the appointment and election of public weighers throughout the State; prescribing the bond to be given and the amount thereof; providing penalties for the violation of this Act, and prohibiting anyone from engaging in the business of public weighing unless he shall comply with the terms of this Act; prohibiting the shipment of goods, wares and merchandise, agricultural and farm products at false weights, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time, and passed to its third reading.

On motion of Senator Westbrook the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 248 put on its third reading and final passage by the following vote.

#### Yeas—27.

Alderdice.	Hall.
Bailey.	Hertzberg.
Bell.	Hopkins.
Buchanan of Bell.	McNealus.
Buchanan of Scurry.	Page.
Caldwell.	Rector.
Carlock.	Smith.
Clark.	Strickland.
Cousins.	Suiter.
Dayton.	Westbrook.
Dean.	Williford.
Dorough.	Witt.
Faust.	Woods.
Gibson.	

#### Absent.

Floyd.	Parr.
Johnston.	

#### Absent—Excused.

Dudley.

The bill was laid before the Senate, read third time and, on motion of Senator Westbrook, was passed finally.

#### Senate Bill No. 385.

The Chair laid before the Senate on second reading:

S. B. No. 385, A bill to be entitled "An Act authorizing gas, oil, other mineral and metal leases and sale of gas, other minerals and metals by

executors or administrators under order of the County Court entered on the minutes of the Probate Court either in term time or in vacation; providing for notice of the application for such order; requiring report by executors or administrators of such leases and sales and providing for the manner of approval or disapproval thereof by the County Court in term time or in vacation; and declaring an emergency."

The committee report that the bill be printed in the Journal only and with amendments was adopted.

The bill was read second time, and passed to engrossment.

On motion of Senator Dean the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 385 put on its third reading and final passage by the following vote:

#### Yeas—27.

Alderdice.	Hall.
Bailey.	Hertzberg.
Bell.	Hopkins.
Buchanan of Bell.	McNealus.
Buchanan of Scurry.	Page.
Caldwell.	Rector.
Carlock.	Smith.
Clark.	Strickland.
Cousins.	Suiter.
Dayton.	Westbrook.
Dean.	Williford.
Dorough.	Witt.
Faust.	Woods.
Gibson.	

#### Absent.

Floyd.	Parr.
Johnston.	

#### Absent—Excused.

Dudley.

The bill was laid before the Senate, read third time and, on motion of Senator Dean, was passed finally.

#### Executive Session.

The Chair announced that the hour, 11:45 o'clock a. m., the hour to which the executive session had been postponed, had arrived, and directed the Sergeant-at-Arms to clear the Chamber of all persons not entitled to remain.

It was accordingly done, and the Senate proceeded to executive session.

The Secretary reported to the Journal Clerk that the following recess appointments by the Governor had been confirmed in executive session, to-wit:

To be chairman of the State Highway Commission, R. M. Hubbard, New Boston, Bowie County, Texas.

To be members of the State Highway Commission, C. S. Fowler, San Antonio, Bexar County, Texas; C. N. Avery, Austin, Travis County, Texas.

#### In the Senate.

Lieutenant Governor Johnson in the chair.

#### House Bill No. 249.

Senator Page made the following written motion:

I move that the House be requested to return H. B. No. 249 for correction.

PAGE.

The motion was read and adopted.

#### Senate Bill No. 277.

The Chair laid before the Senate on second reading:

S. B. No. 277, A bill to be entitled "An Act to amend Section 11, Chapter 31, of the General Laws of the State of Texas, passed by the Thirty-third Legislature at its First Called Session, being entitled 'An Act to amend Chapter 67 of the Acts of the Regular Session of the Thirty-third Legislature, by providing that nothing in this Act shall make it unlawful for any priest or minister of any religious denomination or sect to order or receive wine for sacramental purposes only; or for any common carrier, to ship, transport, carry or deliver same to any priest or minister of any religious denomination or sect for sacramental purposes only, and shipped and delivered in accordance with other laws of Texas relative to shipment and delivery of wine for said purpose; adding Section 11a thereto; and declaring an emergency.'"

The bill was read second time, and passed to engrossment.

On motion of Senator Suiter the constitutional rule requiring bills to

be read on three several days was suspended and S. B. No. 277 put on its third reading and final passage by the following vote:

#### Yeas—27.

Alderdice.	Hall.
Bailey.	Hertzberg.
Bell.	Hopkins.
Buchanan of Bell.	McNealus.
Buchanan of Scurry.	Page.
Caldwell.	Rector.
Carlock.	Smith.
Clark.	Strickland.
Cousins.	Suiter.
Dayton.	Westbrook.
Dean.	Williford.
Dorough.	Witt.
Faust.	Woods.
Gibson.	

#### Absent.

Floyd.	Parr.
Johnston.	

#### Absent—Excused.

Dudley.

The bill was laid before the Senate, read third time and, on motion of Senator Suiter, was passed by the following vote:

#### Yeas—26.

Alderdice.	Hall.
Bailey.	Hertzberg.
Bell.	Hopkins.
Buchanan of Scurry.	McNealus.
Caldwell.	Page.
Carlock.	Rector.
Clark.	Smith.
Cousins.	Strickland.
Dayton.	Suiter.
Dean.	Westbrook.
Dorough.	Williford.
Faust.	Witt.
Gibson.	Woods.

#### Nays—1.

Buchanan of Bell.

#### Absent.

Floyd.	Parr.
Johnston.	

#### Absent—Excused.

Dudley.

#### Message From the House.

Hall of the House of Representatives,  
Austin, Texas, March 15, 1919.

Lieutenant Governor W. A. Johnson,  
President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 278, A bill to be entitled "An Act to provide for the recording of official discharges of soldiers, sailors and other persons in the service of the United States in the war with Germany and Austria-Hungary; authorizing the Commissioners' Courts to expend county funds to provide necessary books for said purpose; making it the duty of the County Clerk of each county to make such record; directing the payment to the County Clerk out of county funds of a fee for said services, and declaring an emergency."

And the House has concurred in Senate amendments to H. B. No. 22.

And the House has adopted conference committee report on S. B. No. 35.

And the House has concurred in Senate amendments to H. B. No. 247.

Respectfully submitted,

T. B. REESE,

Chief Clerk, House of Representatives.

#### Senate Bill No. 321.

The Chair laid before the Senate on second reading:

S. B. No. 321, A bill to be entitled "An Act to authorize and direct the Secretary of State to exchange Court Reports, Session Acts and other publications of other States and foreign countries for the benefit of the law library of the University of Texas, and declaring an emergency."

The bill was read second time, and passed to engrossment.

On motion of Senator Caldwell the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 321 put on its third reading and final passage by the following vote:

Yeas—26.

Alderdice.	Dean.
Bailey.	Dorough.
Bell.	Faust.
Buchanan of Bell.	Gibson.
Buchanan of Scurry.	Hall.
Caldwell.	Hertzberg.
Carlock.	Hopkins.
Clark.	McNealus.
Cousins.	Rector.
Dayton.	Smith.

Strickland.  
Suiter.  
Westbrook.

Williford.  
Witt.  
Woods.

Absent.

Floyd.  
Johnston.

Page.  
Parr.

Absent—Excused.

Dudley.

The bill was laid before the Senate, read third time and, on motion of Senator Caldwell, was passed finally.

#### Bills Signed.

The Chair, Lieutenant Governor Johnson, gave notice of signing and did sign in the presence of the Senate, after their captions had been read, the following bills:

H. C. R. No. 43, relating to the sale of the State iron ore industry at Rusk.

H. B. No. 502, A bill to be entitled "An Act to permit the Texas, Arkansas and Louisiana Railway Company to take up and remove its railroad track heretofore constructed from Atlanta to Bloomburg, Texas, in Cass County, and to sell and dispose of same, together with its locomotive engine and rolling stock and all other property of whatever kind, character and description and wherever located, and to abandon said road, and to surrender its charter, and declaring an emergency."

H. B. No. 534, A bill to be entitled "An Act creating Pharr-San Juan Independent School District in Hidalgo County."

#### Senate Concurrent Resolution No. 11.

##### Vote Rescinded.

Senator McNealus moved to rescind the vote by which the Senate refused to concur in House amendments to S. C. R. No. 11.

The motion prevailed by unanimous vote.

The following House amendments were laid before the Senate: (See page 664 of the Journal for the amendments.)

The amendments were concurred in by the following vote:

## Yeas—21.

Bailey.	Gibson.
Bell.	Hall.
Buchanan of Bell.	Hertzberg.
Buchanan of Scurry.	McNealus.
Caldwell.	Smith.
Clark.	Strickland.
Cousins.	Suiter.
Dayton.	Westbrook.
Dean.	Williford.
Dorough.	Witt.
Faust.	

## Nays—2.

Carlock.	Rector.
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Present—Not Voting.

Woods.

Absent.

Alderdice.	Johnston.
Floyd.	Page.
Hopkins.	Parr.

Absent—Excused.

Dudley.

## House Bill No. 225.

The Chair laid before the Senate on second reading:

H. B. No. 225, A bill to be entitled "An Act giving incorporated cities and towns the authority to prevent the keeping for breeding purposes of jacks, bulls and stallions within the city limits, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Woods, the constitutional rule requiring bills to be read an three several days was suspended and House Bill No. 225 put on its third reading and final passage by the following vote:

## Yeas—24.

Buchanan of Bell.	Faust.
Buchanan of Scurry.	Gibson.
Bell.	Hall.
Caldwell.	Hertzberg.
Carlock.	Hopkins.
Clark.	McNealus.
Cousins.	Rector.
Dean.	Smith.
Dayton.	Strickland.
Dorough.	Suiter.

Westbrook.	Witt.
Williford.	Woods.

Absent.

Alderdice.	Johnston.
Bailey.	Page.
Floyd.	Parr.

Absent—Excused.

Dudley.

The bill was laid before the Senate, read third time and, on motion of Senator Woods, was passed finally.

## Senate Bill No. 399.

The Chair laid before the Senate on second reading:

S. B. No. 399, A bill to be entitled "An Act providing that any judge advocate or acting judge advocate, the president of a general or special court martial, any summary court martial, the judge advocate or any assistant judge advocate of a general or special court martial, the president or the recorder of a court of inquiry or of a military board, any officer designated to take a deposition, any officer detailed to conduct an investigation, and the adjutant or any command shall have power to administer oaths for the purpose of the administration of military justice and for other purposes of military administration and in foreign places where the army may be serving shall have the general powers of a notary public or of a consul of the United States in the administration of oaths, the execution and acknowledgement of legal instruments, the attestation of documents, and all other forms of notarial acts to be executed by persons subject to military law, and creating an emergency."

The Senate rule requiring committee reports to lie over for one day was suspended by unanimous vote.

The committee report that the bill be not printed was adopted.

Senator Witt offered the following amendment which was read and adopted:

Amend Senate Bill No. 399 by adding a new section and renumbering to conform:

"The provisions of the bill shall cease to be operative after January 1, 1921."

The bill was read second time and passed to engrossment.

On motion of Senator Witt, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 399 put on its third reading and final passage by the following vote:

## Yeas—23.

Bailey.	Gibson.
Bell.	Hall.
Buchanan of Bell.	Hertzberg.
Buchanan of Scurry.	Hopkins.
Caldwell.	McNealus.
Carlock.	Rector.
Clark.	Suiter.
Cousins.	Westbrook.
Dayton.	Williford.
Dean.	Witt.
Dorough.	Woods.
Faust.	

## Absent.

Alderdice.	Parr.
Floyd.	Smith.
Johnston.	Strickland.
Page.	

## Absent—Excused.

Dudley.

The bill was laid before the Senate, read third time and, on motion of Senator Witt, was passed by the following vote:

## Yeas—22.

Bell.	Gibson.
Buchanan of Bell.	Hall.
Buchanan of Scurry.	Hertzberg.
Caldwell.	McNealus.
Carlock.	Rector.
Clark.	Strickland.
Cousins.	Suiter.
Dayton.	Westbrook.
Dean.	Williford.
Dorough.	Witt.
Faust.	Woods.

## Nays—2.

Bailey.	Hopkins.
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## Absent.

Alderdice.	Page.
Floyd.	Parr.
Johnston.	Smith.

## Absent—Excused.

Dudley.

## Adjournment.

Senator Clark, at 12:40 o'clock p. m., moved to adjourn until 10 o'clock next Monday morning.

As a substitute Senator Dorough moved to recess until 2:30 o'clock today.

The motion to adjourn was adopted by the following vote:

## Yeas—12.

Buchanan of Bell.	Rector.
Caldwell.	Strickland.
Clark.	Westbrook.
Dayton.	Williford.
Faust.	Witt.
Gibson.	Woods.

## Nays—11.

Bailey.	Dorough.
Bell.	Hall.
Buchanan of Scurry.	Hertzberg.
Carlock.	Hopkins.
Cousins.	Suiter.
Dean.	

## Absent.

Alderdice.	Page.
Floyd.	Parr.
Johnston.	Smith.
McNealus.	

## Absent—Excused.

Dudley.

## APPENDIX.

## Engrossing Committee Report.

Committee Room,

Austin, Texas, March 15, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 370 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

## Committee Reports.

(Floor Report.)

Senate Chamber.

Austin, Texas, March 14, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Military Affairs, to whom was referred

S. B. No. 399, A bill to be entitled "An Act providing that any judge advocate or acting judge advocate, the president of a general or special court martial, any summary court martial, the judge advocate or any assistant judge advocate of a general or special court martial, the president or the recorder of a court of inquiry or of a military board, any officer designated to take a deposition, any officer detailed to conduct an investigation, and the adjutant or any command shall have power to administer oaths for the purposes of the administration of military justice and for other purposes of military administration and in foreign places where the Army may be serving shall have the general powers of a notary public or of a consul of the United States in the administration of oaths, the execution and acknowledgment of legal instruments, the attestation of documents, and all other forms of notarial acts to be executed by persons subject to military law, and creating an emergency."

Have had the same under consideration and beg leave to report the same back to the Senate with the recommendation that it do pass and be not printed.

Witt, Chairman; Faust, Cousins, Floyd, Gibson, Caldwell, Dayton.

Committee Room.

Austin, Texas, March 15, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 511, A bill to be entitled "An Act providing that the commissioners' court in any county in this State may provide and furnish a rest-room for women and may assist in paying for the services of a matron for such rest-room; providing that counties having a population of less than 25,000 shall not expend more than \$125 in furnishing rest-room, nor more than \$15 per month for the maintenance and that counties having a population of more than 25,000 and less than 50,000 may expend not to exceed \$200 in furnishing such rest-room and not more than \$25 per month for its maintenance; and that counties having a population of more than 50,000 may expend not to exceed \$400 in furnishing a rest-room, and may

expend not to exceed \$50 for its maintenance, and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass and be not printed, but printed in the Journal.

HERTZBERG, Acting Chairman.

By Sneed.

H. B. No. 511.

#### A BILL

To be entitled.

An Act providing that the commissioners' court in any county in this State may provide and furnish a rest-room for women and may assist in paying for the services of a matron for such rest-room; providing for the appointment of such matron by the county judge; providing that counties having a population of less than 25,000 shall not expend more than \$125.00 in furnishing rest-room, nor more than \$15.00 per month for the maintenance, and that counties having a population of more than 25,000 and less than 50,000 may expend not to exceed \$200.00 in furnishing such rest-room, and not more than \$25.00 per month for its maintenance; and that counties having a population of more than 50,000 may expend, not to exceed \$400.00 in furnishing a rest-room, and may expend not to exceed \$50.00 for its maintenance, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the Commissioners' court in each county in this State may maintain a rest-room for women in the courthouse, or if for any reason a suitable rest-room cannot be had in the courthouse, they may maintain a rest-room at some convenient place near the courthouse. The rest-room may be comfortably furnished with lounge, chairs, mirror, lavatory; tables and such other furnishings as may be needed to make the room attractive and comfortable for women who may be in attendance on the court, or who may for other reasons be in town.

The Commissioners' Court may assist the business and professional men, the various women's clubs and other organizations in paying the salary of a matron for the rest-room, providing, the county judge shall appoint such matron with the consent

of the commissioners' court; providing that in counties having a population according to the last scholastic census of less than 25,000, the expense and furnishing of the rest-room shall not exceed \$125.00 nor shall the commissioners' court expend more than \$15.00 per month for the maintenance of the rest-room, including the compensation paid by the county to the matron; counties having a population according to the last scholastic census of more than 25,000 and less than 50,000 may expend not to exceed \$200.00 in furnishing a rest-room, and may expend for its maintenance not to exceed \$25.00 per month including the compensation paid by the county to the matron; and those counties having more than 50,000 may expend in furnishing a rest-room, not to exceed \$300.00 and may expend for its maintenance including the compensation paid by the county to the matron of any amount not to exceed \$50.00 in money.

Sec. 2. For the reason that there is now no adequate provision of law which provides for a comfortable and pleasant place for women to rest in while in attendance upon court or for the wives of farmers to rest in while in town, create an emergency and an imperative public necessity, that the constitutional rule requiring bills to be read on three several days in each House be suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

#### FORTY-SIXTH DAY.

Senate Chamber,

Austin, Texas, March 17, 1919.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor W. A. Johnson.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Hall.
Bailey.	Hertzberg.
Bell.	Hopkins.
Buchanan of Bell.	Johnston.
Buchanan of Scurry	McNealus.
Caldwell.	Page.
Carlock.	Rector.
Clark.	Smith.
Cousins.	Strickland.
Dayton.	Suiter.
Dean.	Westbrook.
Dorough.	Williford.
Faust.	Woods.
Floyd.	Witt.
Gibson.	

Absent.

Parr

Absent—Excused.

Dudley.

Prayer by the Chaplain.

Pending the reading of the Journal of Saturday, the same was dispensed with on motion of Senator Alderdice.

#### Petitions and Memorials.

See Appendix.

#### Standing Committee Reports.

See Appendix.

#### Bills and Resolutions.

By Senator Suiter:

S. B. No. 402, A bill to be entitled "An Act to provide for the establishment and maintenance of an institution for the care, training and education of women offenders, to be known as the State Reformatory for Women; providing for a board of control, and for management of said institution; prescribing who shall be admitted thereto; providing for regulating the same; making an appropriation for the establishment and maintenance of same; and declaring an emergency."

Read first time, and referred to the Committee on Penitentiaries.

#### Simple Resolution No. 98.

Whereas, the 17th day of March, birthday of the patron saint of Erin's Isle, has once more rolled around; and

Whereas, The Senate of Texas has among its members many loyal Americans proud of their Irish descent, foremost among them being the Hon. James Clayton McNealus, the veteran Senator from Dallas County; therefore, be it

Resolved by the Senate, That the Hon. James Clayton McNealus be invited to address the Senate and tell us how St. Patrick murdered the reptiles, and at the conclusion of his address that he be requested to sing that old-fashioned Irish ditty which runs—

"Potatoes and fishes

Make very good dishes

St. Patrick's Day in the mornin'".

PAGE.

Senator McNealus moved to postpone the resolution indefinitely.

Senator Page moved as a substitute that the resolution be adopted, and this motion prevailed.